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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/919,334	07/30/2001	Matthew Hayden Harper	111244.121	2730

23483 7590 03/07/2005

WILMER CUTLER PICKERING HALE AND DORR LLP
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EXAMINER


ROBERTS, BRIAN S

ART UNIT	PAPER NUMBER
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2662

DATE MAILED: 03/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s) 	
	09/919,334	HARPER ET AL.	
	Examiner	Art Unit	
	Brian Roberts	2662	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 July 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 August 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2/19/03 & 5/19/03</u> . | 6) <input type="checkbox"/> Other: _____ |

1. Claims 1-18 have been examined.

Drawings

2. The drawings are objected to because: in Figure 5 box 1010, "FORM" should be "FROM". In Figure 3, "PSDN" should be "PDSN". Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheets should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

3. The disclosure is objected to because of the following informalities: There is no mention of figures 6 and 7 in the brief description of the drawings.

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Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

5. Claims 1-18 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent 6834050 B1 to Madour et al.

6. In reference to claims 1-3, Madour et al. teach a PCF serving a MN that utilizes a simple hash function and a table of PDSNs to initially select a PDSN and then to re-select the same PDSN when switching PCFs. (column 3, lines 1-14) The PPP session is maintained when switching PCFs. (column 5 lines 65-67, column 6 lines 1-5)

7. In reference to claim 4, Madour et al. teach a method for selecting a PDSN that corresponds to the MN once it is determined that a connection request has been made by the MN via the first PCF. The second PCF selects the same PDSN that was originally selected by the first PCF after it is determined that the MN via the second PCF made a second connection request. (Figure 3, column 5 lines 5-46) (column 5 lines 65-67, column 6 lines 1-5).

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8. In reference to claim 5, Madour et al. teach using the MN's International Mobile Station Identifier when implementing the selection protocol. (column 4 lines 61-67, column 5 lines 1-4)
9. In reference to claims 6 and 8, Madour et al. teach a method where the PDSN determines whether the PCF issued a connection request on behalf of the MN. The connection is initiated using the A10/A11 Connection Establishment Procedure. (column 7 lines 31-35)
10. In reference to claim 7, 9, and 10, Madour et al. teach using a hash function to utilize a static lookup table stored in each PCF to select one of the PDSNs. (column 4 lines 61-67, column 5 lines 1-4) Madour et al. further teach sending an Information Message to the MN with the IP address of the PDSN that has been selected to host the PPP session. The MN then supplies the new serving PCF with the IP address of the PDSN hosting the PPP session. (column 6 lines 63-67, column 7 lines 1-4)
11. In reference to claim 11, Madour et al. teach a method that determines whether a PCF issued a first connection request on behalf of the MN (column 7 lines 31-35). Madour further teaches using the BSC to determine whether to retrieve the IP address of the assigned PDSN from the MN in order to select a PDSN that corresponds to the MN. (Figure 3, column 7 lines 5-21)
12. In reference to claims 12, Madour et al. teach a method where the PDSN determines whether a PCF issued a connection request on behalf of the MN. The connection is initiated between the PCF and the selected PDSN using the A10/A11 Connection Establishment Procedure. (column 7 lines 31-35)

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13. In reference to claims 13 and 14, Madour et al. teach using a hash function to utilize a static lookup table stored in each PCF for the initial selection of a PDSN. (column 4 lines 61-67, column 5 lines 1-4). "The same algorithm is applied consistently by all the PCFs in the radio network; therefore, all of the PCFs should consistently select the same PDSN for a given MN. Thus, as the MN moves across the network and has contact with new BSCs that communicate with new PCFs, the same PDSN is selected." (column 5 lines 5-10)

14. In reference to claim 15, Madour et al. teach using the MN's International Mobile Station Identifier when implementing the protocol to select a PDSN. (column 4 lines 61-67, column 5 lines 1-4) Madour's design inherently includes a partition of key space among the PDSNs because the Madour et al. design anticipates "an even distribution of MN identities, the PPP sessions, and thus the network load, are distributed evenly across the available set of PDSNs in the R-P network". (column 5 lines 9-11)

15. In reference to claim 16,17, and 18, Madour et al. teach using a hash function and receiving the International Mobile Station Identifier from the MN in order to utilize a static lookup table stored in each PCF for the selection of a PDSN. (column 4 lines 61-67, column 5 lines 1-4). The Madour et al. method inherently includes software and a communications processing mechanism because such a mechanism is necessary to store the table and allow the MN to maintain the same PDSN during an inter-PCF change.

Conclusion

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure are US 2005/0025116 A1 to Chen et al., US 2002/0114293 A1 to Madour et al., and US 2002/0021681 A1 to Madour. Chen pertains to PDSN initial selection and reselection. Madour et al. pertains to mobility management in an IP-based CDMA 2000 packet-data cellular telecommunications network. Madour pertains to handoff in a mobile IP-based CDMA 2000 packet-data cellular telecommunications network.

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Roberts whose telephone number is (571) 272-3095. The examiner can normally be reached on M-F 8:30-5:30.

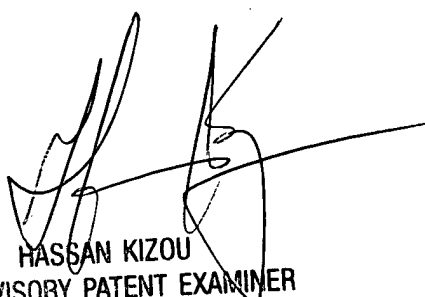
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou can be reached on (571) 272-3088. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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BSR



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